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Department of Toxic Substances Control

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September 23, 2020

Ms. Jennifer Guetschow
County of San Luis Obispo
976 Osos Street
San Luis Obispo, CA 93408
JGuetschow@co.slo.ca.us

MITIGATED NEGATIVE DECLARATION FOR LRP2001-00001 DECICCO GENERAL PLAN AMENDMENT – DATED SEPTEMBER 8, 2020 (STATE CLEARINGHOUSE NUMBER: 2020090218)

Ms. Guetschow:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the LRP2001-00001 DeCicco General Plan Amendment (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the MND. Hazards and Hazardous Materials section:

1. The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink, reading "Gavin McCreary".

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
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October 12, 2020

Jennifer Guetschow
San Luis Obispo County Planning and Building
976 Osos Street, Room 200
San Luis Obispo, CA 93408

**Subject: DeCicco General Plan Amendment (LRP2019-00001) Mitigated
Negative Declaration (MND)**

Dear Ms. Guetschow:

Thank you for forwarding the above-referenced MND for the proposed amendment to the Official Maps- Part III of the Coastal Land Use Element. As we understand it, the proposed change includes rezoning a 0.4 acre area at 2958 Orville Avenue in Cayucos from "Commercial Retail" to "Residential Single-Family." Please note that the proposed map change would require an LCP amendment that is approved by the Commission before it could become effective. We have reviewed the proposed amendment and believe that the proposed amendment may not be fully consistent with the Coastal Act or existing LCP policies. To that end, we offer the following comments on the proposed rezoning.

Coastal Act Section 30222 prioritizes land suitable for visitor-serving uses over other types of development, stating that the "use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development . . ." In addition, the Cayucos Land Use policies in Chapter IV of the Estero Area Plan state to "[r]etain and do not expand the extent of the existing commercial categories." (emphasis added). In other words, both the Coastal Act and the Estero Area plan stress that existing land suitable for visitor-serving uses should be utilized as such. The subject parcel is in close proximity to a popular public sandy beach, as well as public transit, in an area that currently lacks significant visitor-serving amenities. Thus the subject area would be an ideal location for visitor-serving uses.


The subject parcel is currently zoned Commercial Retail, where a wide array of uses are permissible under the LCP's Allowable Use Table "O", including both residential and visitor-serving uses. The proposed change to Residential Single-Family zoning would limit potential future uses on the site and would prohibit many Coastal Act priority uses, including visitor-serving transient lodging or retail uses. Thus the proposed change does not appear consistent with priorities laid out in Coastal Act section 30222. The proposed change would also appear inconstant with the Estero Area Plan policy that requires existing Commercial Retail areas to be retained for such uses. In addition, because the existing zoning already allows for residential

DeCicco General Plan Amendment (LRP2019-00001) MND

uses, the proposed change appears unnecessary to facilitate potential future residential development.

Thank you for considering our comments. Please do not hesitate to contact me at Brian.O'Neill@coastal.ca.gov if you have any questions'

Sincerely,

DocuSigned by:

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Brian O'Neill
Coastal Planner
Central Coast District Office